

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**SHERRY GRAHAM-ADAMS,**

**Plaintiff,**

**VS.**

**OMAHA HOUSING AUTHORITY,**

**Defendant.**

**CASE NO. 8:05CV261**

## AMENDED ORDER

*(This Order is substituted for the Order previously at Filing No. 12.)*

This matter is before the Court on the Motion to Dismiss (Filing No. 5) submitted by the Defendant, City of Omaha. The Plaintiff has not opposed the City of Omaha's Motion to Dismiss.

The caption, the description of the parties, the factual allegations, the causes of action, and the prayer for relief in the Plaintiff's Complaint (Filing No. 1), all refer to a single defendant – the Omaha Housing Authority. Although summons was issued to the City of Omaha as a defendant, it is apparent that the reference in the caption to the "City of Omaha" is in the nature of an address. The Omaha Housing Authority has the independent power to sue and be sued, and it is not necessary for the City of Omaha to be named in the action. Neb. Rev. Stat. § 71-15,113 (West 2005).

Because the Plaintiff's Complaint states no claim whatsoever against the City of Omaha, the City of Omaha's Motion to Dismiss under Fed. R. Civ. P. 12(b)(6) is granted.

IT IS ORDERED:

- 1) The Defendant City of Omaha's Motion to Dismiss (Filing No. 5) is granted; and
- 2) The caption shall be amended to delete the reference to "City of Omaha, Nebraska."

DATED this 13<sup>th</sup> day of February, 2006.

BY THE COURT

s/Laurie Smith Camp  
United States District Judge